

Response
Applicants: John C. Oslund et al.
Serial No.: 10/823,139

Attorney Docket: ev31010USD1

REMARKS

Claims 71 to 82 are pending. The Examiner withdrew claims 74, 78, and 82 as being drawn to a nonelected species. Claims 71 to 73, 75 to 77, and 79 to 81 are pending and under examination.

Applicants thank the Examiner for considering the March 29, 2005 Supplemental Information Disclosure Statement and including a signed PTO-1449 form with the October 17, 2006 Office Action.

The Examiner rejected claims 71 to 73, 75 to 77, and 79 to 81 under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 6,179,861 B1 to Khosravi et al. ("Khosravi").

Applicants respectfully traverse this rejection of the claims. Khosravi does not teach or suggest a spacing member positioned proximally of the proximal end of the filter basket as recited by the pending claims. The Examiner states that Khosravi shows a spacing member 135 positioned proximally of the proximal end of the filter basket. However, in the description of Figures 11A to 11C, Khosravi states that "[b]lood permeable sac 136 is wrapped around and attached to itself all along its perimeter, creating hem bond 140 and lumen 141" (column 10, lines 14 to 16), "[l]umen 141 is configured to receive spines 137 and 138" (column 10, lines 16 and 17), and "hoop 135 comprises spines 137 and 138" (column 10, line 10). Thus, it is clear from Figures 11A to 11C and the description of these figures that spines 137 and 138 of hoop 135 are surrounded by sac 136 and spines 137 and 138 are distal to a portion of sac 136. Therefore, Khosravi does not teach or suggest a spacing member positioned proximally of the proximal end of a filter basket, as recited in the pending claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection of the claims.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for

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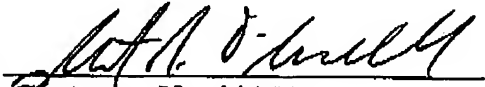
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an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: January 16, 2007

By



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